

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANGEL FRALEY, et al.

No. C 11-1726 RS

Plaintiffs,

v.

ORDER RE SEALING MOTIONS

FACEBOOK, INC.,

Defendant.

Pursuant to its obligations under Civil Local Rule 79-5 and prior guidance from the Court, Facebook has engaged in a commendable effort to limit the material it seeks to have filed under seal in connection with the motions for settlement approval. Nevertheless, to the extent that financial information and details regarding the operation of the Sponsored Stories program are material to an evaluation of the fairness of the settlement, Facebook has not persuasively shown it to be appropriate for the Court to take such matters into account while not disclosing them to class members, who have the right to make a fully informed decision whether or not to object to the settlement and to use such information in formulating any objections they may wish to make. Accordingly, the pending sealing motions (Dkt. Nos. 234, 236, and 246) are denied. The material Facebook sought to have filed under seal, however, shall not be automatically placed in the public record. Instead, the parties shall file revised versions of the affected briefs, declarations, and

1 exhibits, with any material Facebook still desires to withhold from the record either edited out or
2 redacted, as may be appropriate for the particular type of document. In granting preliminary
3 approval, the Court has not considered or relied on any of the information previously lodged under
4 seal.¹ In the event the revised documents publicly filed continue to include redactions, or additional
5 papers filed in support of final approval are partially redacted, only the non-redacted information
6 will be taken into account in making the determination regarding final approval. Under this
7 procedure the parties plainly may continue to redact personal and private information of Facebook
8 members that is not material to their arguments. As to financial and operating details of the
9 Sponsored Stories program, the parties will have to determine the extent to which disclosure may be
10 necessary to permit full evaluation of the settlement under the standards applicable to final approval.

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13 IT IS SO ORDERED.

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15 Dated: 12/3/12



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

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27 ¹ Some of the information submitted for filing under seal was disclosed by counsel on the record in
28 open court at the hearing on preliminary approval, however, and may have informed the approval
decision to some degree.